

REGULAR CITY COUNCIL MEETING
August 18, 2005

PRESENT: LouAnn Christensen Mayor
Jon Adams Councilmember
Holly Bell Councilmember
Alden Farr Councilmember
Reese Jensen Councilmember
Bob Marabella Councilmember (*arrived at 7:19 p.m.*)

ALSO PRESENT: Jim Buchanan Director of Emergency Services
Mary Kate Christensen City Recorder
Paul Larsen Director of Economic Development
Bruce Leonard Director of Public Works
Dennis Sheffield Director of Finance
Mark Teuscher City Planner
Don Tingey City Administrator
Paul Tittensor Chief of Police

Mayor Christensen called the meeting to order. Councilmember Farr gave a prayer as part of the reverence period. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of August 4, 2005 Council and Executive Session was made by Councilmember Jensen. The motion was seconded and carried. Mayor Christensen presented the agenda as follows:

PUBLIC COMMENT
CONSENT

Promotion in Police Department
Promotion in Library
Appointment to Volunteers in Police Council
Resolution Authorizing Payment to Qwest for Overpayment of Municipal Telecommunications License Tax
Request for Acceptance of a National Trust for Historic Preservation Grant
Request to Write-off Accounts Due to Resident Taking out Bankruptcy or Being Sent to Collections

NEW BUSINESS

Request to Expend Grant Monies
Update on FEMA Presidential Emergency Declaration
Proposal to Hire Part-Time Officer

PLANNING COMMISSION BUSINESS

Request for Deferral of Sidewalk for Tharon Bell
Request for Approval of Deferral of Sidewalk, Curb and Gutter for Sherman Bailey

OTHER BUSINESS

Possible Cancellation of September 15 City Council Meeting (*added*)
Work Session to Discuss Residential Treatment (*added*)
Work Session on Sidewalk Master Plan (*added*)
Work Session on Refining the City's Vision (*added*)

CLAIMS

Warrant Register and Cash Disbursements

Mayor Christensen added the items under Other Business. Councilmember Bell made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

There were no comments from the public.

CONSENT

Promotion in Police Department

It was recommended Paul D. Mankin be promoted to Police Sergeant, Grade 54, effective August 20, 2005.

Promotion in Library

It was also recommended Gena Nelson be promoted to Literacy Coordinator in the Library Department beginning August 20, 2005.

Appointment to Volunteers in Police Council

Maryann Barnett was recommended for appointment to the Volunteers in Police Service Council.

Resolution Authorizing Payment to Qwest for Overpayment of Municipal Telecommunications License Tax

This resolution would authorize payment over a 12-month period of equal installments of \$1,424.76. This amount would be held from the payment Qwest makes to Brigham City.

Request for Acceptance of a National Trust for Historic Preservation Grant

This grant will be used for a structural assessment and reuse feasibility study for the Baron Woolen Mill. It is a pass-through grant to Brigham City.

Request to Write-off Accounts Due to Resident Taking out Bankruptcy or Being Sent to Collections

A list of accounts totaling \$1,457.66 was presented to be removed from the City's system due to the customer taking out bankruptcy or being sent to Collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Adams, seconded and carried.

NEW BUSINESS

Request to Expend Grant Monies

Mr. Buchanan explained that they have received three grants. The first is for the Fire Department for \$10,000 to be used to support the purchase of wild land fire suppression clothing. This requires a 10% match. He added that there is \$1,000 in the 2005-06 budget for this match.

The Ambulance Department applied for and received \$15,000 from the Bureau of Emergency Medical Services to be used to pay the lease off on the defibrillator, and to purchase additional medical training and ambulance equipment. No match is required.

He also received \$246,800 from Homeland Security. This will be used to purchase 700 MHz radios for law enforcement, which will allow data entry from their cars. There are no matching funds required for this grant.

He asked authorization to expend the above named grant money.

Mayor Christensen expressed appreciation to Mr. Buchanan, who has gotten close to one million dollars in grant money over the last few years for the City.

MOTION: Councilmember Bell made a motion to authorize expenditure of the grant money, seconded and carried.

Update on FEMA Presidential Emergency Declaration

Mr. Buchanan announced that Brigham City received funding from FEMA for the flooding which occurred on April 28, 2005. There was an applicants' briefing two weeks ago in Salt Lake City, where a formal application was made to FEMA. The kick-off meeting was held last week. They are now in the process of going through all areas looking at the damage.

Mr. Buchanan explained that there are two types of projects FEMA will fund. One is a small project, or \$55,500 minimum. With this type of project, they estimate the damage and give the City a check. If the damages are under the amount of the check, the City gets to keep the money. If the damage is over the check amount, the City can apply for the difference. The second type of project is a large project, where the City

would be required to write specifications and bids, which could take a period of time. All of these project requests have to be submitted to FEMA in Salt Lake City within sixty days. There is six months from the completion of the paperwork to complete the work. He added that extensions are given in case of certain circumstances, such as weather.

Mr. Buchanan said staff has identified some of the projects needed to be done. Most fall within the small project category. The cleaning and reconstruction of the Mayor's Pond could be in the large project category. It is estimated 25,000 square feet of gravel and soot need to be removed from the Mayor's Pond.

Other projects include the head waters in Mantua, the twin culverts in Mantua, the north culverts in Mantua, and working down the channel to 600 North.

Mr. Buchanan explained that FEMA does not participate in the recovery of natural streams. The Box Elder Creek is a natural stream, until it reaches 900 West where it becomes an engineered stream. The City has documentation of previous maps indicating that the old Box Elder Creek used to go to the Box Elder Lake, and at some point in time it was changed. However, there is damage to the rest of the stream that has to be repaired. This became evident on August 16th, when Brigham City received another heavy rain storm. It was fortunate that irrigation was being done, because the creek was low. The creek raised between 24" to 36" from this storm. If citizens had not been irrigating, the creek would have flooded again.

Councilmember Marabella arrived at 7:18 p.m.

Mr. Buchanan said a letter has been prepared for the Mayor's signature to the National Resource Conservation Services (NRCS) in Tremonton who are experts in restructuring streams. The letter asks them to review the damage done to the creek where it does not qualify for FEMA assistance. They work on the same kind of system as FEMA. They will do a preliminary damage assessment, and if Brigham City qualifies, FEMA will pay 75% and Brigham City would pay 25%, which can be in-kind services. The State of Utah has applied for \$18M from the Natural Resources to assist in communities with their 25% match.

Mr. Buchanan said staff felt that now would be a good time to rebuild the creek while it is being used for irrigation. It would also be cheaper to do it now while it is empty. He asked the Council to approve use of funds to begin cleaning the creek. He felt confident that the City will be reimbursed.

Mr. Leonard said his analysis of the channel from the Mayor's Pond down, is that there was a fairly good scouring occurrence. There is not a lot of sedimentation in that area. From Main Street to 500 West there are some areas that need to be cleaned. From 900 West to 1200 West is in bad condition and is full of soot. He talked to one contractor, and he estimated it would cost \$200,000 to clean the creek up to the Mayor's Pond. That would include going in with a truck and doing the bridges. He said he looked at the bridges, and some of them had scoured clean. Others have 8-12" of rock. These areas will need to be evaluated.

Mr. Buchanan added that with every dollar that FEMA gives to the State of Utah, they provide 7½% additional money in the form of grants to do mitigation projects. Staff is hoping to use this money to realign the creek to make it as secure as possible to prevent future flooding. They are also looking at whether the Mayor's Pond can be enlarged to accommodate pressurized secondary irrigation water, and make it a better flood control device. They are also hoping the "frog pond" at the northwest section of town will fall under mitigation.

In addition, Mr. Buchanan said for every \$90,000 FEMA gives Brigham City, there is an additional 3% for administration charges.

Councilmember Adams said he felt this needed to be funded. It is time sensitive, and is a calculated risk. It would cost more money once the water is in the creek. Councilmember Jensen said the Council set aside \$50,000 in an emergency fund for something like this. Councilmember Adams said he would rather front the money, then see what the reimbursement is, then decide whether to use the \$50,000 or keep it for another emergency. Councilmember Marabella agreed that this is a top priority. However, he expressed concern that when talking about the Fund Balance, it is taking money from the City's savings. He recommended the money be allocated to get the project done, and hope for grants. Then when everything is done, the City needs to

reprioritize projects within the budget and cut projects to balance the budget without affecting the Fund Balance. Councilmember Jensen suggest borrowing from the Emergency Fund, and if the City doesn't get the funds from FEMA, then it is there. If FEMA funds are received, it would be put back into the Emergency Fund.

Mr. Leonard stated that FEMA gave them the authorization to prepare a scope of work to clean the Mayor's Pond. He asked the Council to include that in their motion.

MOTION: Councilmember Adams made a motion to authorize the funding to begin cleaning the Mayor's Pond by soliciting quotations, as well as begin cleaning the creek. In addition, staff should discuss with Mr. Sheffield whether the funds should come from the Emergency Fund or the General Fund, but authorize either. Councilmember Farr seconded the motion. In a motion following the second, Councilmember Marabella suggested the motion include some kind of dollar figure.

AMENDED MOTION: Councilmember Adams amended his motion that the project not exceed \$100,000. The amended motion was seconded by Councilmember Farr and unanimously carried.

Proposal to Hire Part-Time Officer

Chief Tittensor and Cindy Lorrigan, Program Director of Your Community in Unity (YCU), approached the Council. The Chief said he has been working with service programs in Brigham City to provide specific and better service through law enforcement. Ms. Lorrigan called him and said they had some money that could be used to hire a part-time officer to work exclusively in domestic violence and education and training in Brigham City. He explained that the grant would cover salary, benefits and some allocation for a cost of living increase next year. Ms. Lorrigan explained that the grant is a two year grant and comes from the Office of Violence Against Women. She originally had the grant for two years. She wrote into the grant a coordinated community response team to respond to domestic violence.

The Chief said he will have to address the purchase of a vehicle and equipment. One option is to write in the contract that the person provide their own vehicle.

Councilmember Marabella asked what will happen at the end of the grant period. Chief Tittensor said he will write it as a contract, and it will be in the contract that it is for a two-year period. He added that the grant is renewable, and it is highly likely that they will receive funding for another two years. He said ideally, he would like to partnership with another organization and make it a full time position.

MOTION: Councilmember Marabella made a motion to authorize the Chief to hire a part-time officer to work domestic violence, the motion was seconded by Councilmember Bell and unanimously carried.

PLANNING COMMISSION BUSINESS

Request for Deferral of Sidewalk for Tharon Bell

Councilmember Bell declared a conflict of interest and left the table.

Barbara Stokes, Planning Commission Chair, and Tharon Bell approached the Council. Ms. Stokes explained that the Planning Commission recommended deferral of sidewalk for Tharon Bell. Mr. Bell is asking for deferral of sidewalk at the site of their home construction. Mr. Bell explained that his property is between two homes, and if he had to construct a sidewalk, one end of the sidewalk would have to have steps coming down into the driveway, and the other end would end in a culvert. He would have to ask the property owners on both sides to change their property in order to take care of a safety issue on both sides. He added that if the City puts in a secondary irrigation system, it would take care of the culvert. Mayor Christensen added that there is sidewalk on the other side of the street.

MOTION: Councilmember Farr moved to approve the Planning Commission's recommendation for the deferral of sidewalk for the Tharon Bell property. The motion was seconded by Councilmember Adams and unanimously carried.

Request for Approval of Deferral of Sidewalk, Curb and Gutter for Sherman Bailey

Ms. Stokes said this property is located on the west side of 500 North across from the Box Elder Creek. There is no sidewalk, curb or gutter on either side of Mr. Bailey's property. This is a small business that is trying to get started, and it would be a burden to come up with the money for the curb, gutter and sidewalk. Mr. Teuscher added that there is no sidewalk, curb or gutter anywhere on this road.

MOTION: Councilmember Jensen made a motion to defer the sidewalk, curb and gutter for Sherman Bailey, seconded by Councilmember Farr and unanimously carried.

OTHER BUSINESS

Councilmember Bell rejoined the Council at the table.

Cancellation of September 15 Meeting

Mayor Christensen suggested the Council meeting for August 15, 2005 be cancelled due to the Utah League of Cities and Towns Conference being held that week. The Council agreed to cancel the August 15 meeting.

Work Session to Discuss Residential Treatment Centers

Mr. Teuscher said the City's current zoning code has two definitions for these type of treatments. One is a definition for facilities for disabled persons, or persons with a disability. The other is residential treatment facilities. There have been a number of Utah and federal court cases that have moved all of these in the realm of the Fair Housing Act and ADA. Brigham City's codes are probably illegal under the definition. He said West Valley City has gone through a lengthy suit over a drug and alcohol rehabilitation facility, spent over \$3 million, went to the 10th Circuit Court and lost. The argument has been that these facilities cannot be discouraged, they should all be treated equally and be able to go into any residential zone in the community. Mayor Christensen added that these are convicted felons, sex offenders, that can move into our neighborhoods. Mr. Teuscher explained that their therapists declare them as persons with a disability, therefore they are covered under the Federal Housing Act and ADA.

Mr. Teuscher suggested Jody Burnett from the Utah League come and discuss this at a work session with the City Council and the Planning Commission. The Council set a work session for October 20 at 6:00 p.m. {This was later changed to November 3.]

Work Session to Review Sidewalk Master Plan

Mr. Teuscher explained that Darin McFarland and Wayne Kotter have been digitizing all the existing sidewalks and where there are no sidewalks. They have used a coding system to evaluate where schools and churches are located, and rated the sidewalk. Additional information that should probably be added to this are pedestrian accidents and land use, such as where people are shopping, where people are walking. The Council scheduled a work session for October 11 at 6:00 p.m.

Work Session on Refining the City's Vision

The Mayor scheduled a work session for August 30, at 6:00 p.m. to continue discussing the City's Vision. She asked that staff, Council, Barbara Stokes from the Planning Commission and Andy Shinkle from USU attend. She asked the Council to come prepared with what they felt the City's assets and liabilities are.

CLAIMS

Warrant Register

Councilmember Marabella moved to approve the Warrant Register dated July 31, 2005 in the amount of \$456,561.28; for August 9, 2005, \$531,536.53; August 16, \$567,094.38. The motion was seconded and carried.

A motion to adjourn to a Redevelopment Agency Meeting was made by Councilmember Adams. The motion was seconded and carried unanimously. The meeting adjourned at 8:25 p.m.